

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DARRELL WILLIAMS,
Plaintiff,

vs.

BENJAMIN TAYLOR, *et al.*,
Defendants.

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CIVIL ACTION 08-00433-KD-N

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636 (b)(1)(B) and dated April 23, 2010 is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that Plaintiff's claims against Defendant Kousa are **DISMISSED** without prejudice, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), as frivolous, and pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim upon which relief may be granted. The claims against Defendants Banks, Doe, Taylor, Morgan, Gilheart, Cummerlander, and Kant, as alleged in Plaintiff's Amended Complaint (Doc. 19), will proceed.

DONE and ORDERED this the **18th** day of **May 2010**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE